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SUMMARY OF EXECUTIVE ORDER 11652
AND
NSC DIRECTIVE OF 17 MAY 1972

OGC Summary

This attachment briefly describes Executive Order 11652 and the NSC Directive implementing it.

1. The purpose of Executive Order 11652 is to create a system for protecting information and materials which bear directly on the effectiveness of national defense and the conduct of foreign relations, while at the same time preventing abuses of the classification device. It does so by prescribing security classifications and procedures to be followed by government agencies, and by establishing a monitoring system to ensure their proper use.

2. The security classification scheme is the key to the protective features of Executive Order 11652. A classification will exempt information from mandatory disclosure under the Freedom of Information Act. The Order establishes three levels of security classification:

(a) Top Secret. This classification is to be used with utmost restraint for that information the disclosure of which could reasonably be expected to cause "exceptionally grave damage" to the national security.

(b) Secret. This classification is to be used sparingly for that information the unauthorized disclosure of which could reasonably be expected to cause "serious damage" to the national security.

(c) Confidential. This classification is to be used for that information the unauthorized disclosure of which could reasonably be expected to cause "damage" to the national security.

3. The Executive Order limits the authority to classify information to those officials designated under specific procedures set out in the Order. The heads of certain designated executive agencies, including the CIA, are authorized to classify information "Top Secret," and they may designate in writing certain other senior officials who may also do so. The authority to classify information "Secret" and "Confidential" is provided for in a similar fashion. Authority to classify at one level includes authority to classify at all lower levels. This authority is not delegable, but is personal to the official designated.

4. The Executive Order establishes a declassification and downgrading system. It mandates that when there is no longer a reason for a classification, the information shall be declassified as early as possible.

5. A "General Declassification Schedule" is established which automatically downgrades Top Secret, Secret, and Confidential information according to a timetable which declassifies the information in ten, eight and six years, respectively. Information falling into any of the four following categories may be exempted from the General Declassification Schedule for a specific period, or indefinitely, by an official with authority to classify at the Top Secret level, if the information originated under his supervision:

(a) Information provided to the U.S. in confidence by a foreign government or international organization;

(b) Information specifically covered by statute, pertaining to cryptography, or disclosing intelligence sources and methods;

(c) Information disclosing systems, plans, installations, projects or specific foreign relations matters, the continued protection of which is essential to national security;

(d) Information which would place a person in immediate jeopardy.

6. There are also provisions for a mandatory review of documents over ten-years-old.

7. All information over 30-years-old and classified under Executive Order 11652, is declassified automatically in 30 years unless a determination is personally made by the head of the agency which originated the information that continued protection is essential to the national security or that disclosure would place a person in immediate jeopardy. Thirty-year-old documents classified under earlier Executive orders must be reviewed systematically and declassified where appropriate.

8. The Executive Order and NSC Directive require government agencies to designate an office to receive requests for declassification, and also to establish a departmental committee to review determinations made by the agency not to declassify. The Directive also establishes certain internal timetables for handling these requests and for providing notice of a right to appeal outside the agency to the Interagency Classification Review Committee (ICRC), discussed at paragraph 9. In all such review procedures the burden of establishing a justification for further classification is on the government agency.

9. The ICRC mentioned above was established by Executive Order 11652 "under the NSC" to assist the NSC in monitoring the implementation of Executive Order 11652 and the NSC Directive. Its membership includes senior officials of various government agencies, including CIA. It is directed to meet regularly, on a monthly basis at minimum. The functions of the ICRC are basically two:

(a) To consider and take action on suggestions and complaints from persons within and without government as to the administration of the Order and to oversee implementation of the Order. This includes the hearing of appeals from persons dissatisfied with an agency's or the Archivist's refusal to declassify material.

(b) To oversee implementation of the Order by seeking means to prevent overclassification, insure prompt declassification, facilitate access to declassified material, and eliminate unauthorized disclosure of classified information. The ICRC also approves the regulations issued by agencies pursuant to the Executive Order.

10. Access to classified information is limited to those persons who are determined to be trustworthy and to have a need for such access to perform their duties. Special provisions of the Executive Order also permit access to classified information by historical researchers and former presidentially-appointed government officials, under certain circumstances.

11. The Executive Order permits the imposition of special requirements for access, distribution and protection of classified information (compartmenting systems).

12. The NSC Directive issued under the Order also prescribes standards to be followed in use, storage, marking, and transmission of classified information. There are also provisions for mandatory reports to ICRC and investigations of possible compromise of classified information. Reproduction of Top Secret information is forbidden without consent of the originating department, and dissemination of classified information also requires the consent of the originating department, but dissemination by CIA pursuant to the National Security Act is permitted.

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